

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2673

Introduced by Assembly Member Nielsen

February 19, 2010

~~An act to amend Section 637 of the Penal Code, relating to crimes.~~
An act to amend Section 3000.03 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2673, as amended, Nielsen. Crimes: unlawful disclosure of communications.

Existing law provides that the Department of Corrections and Rehabilitation shall not return to prison, place a parole hold on, or report any parole violation to the Board of Parole Hearings regarding any parolee to whom all of specified criteria apply.

This bill would add additional criteria to prohibit the release of an inmate to parole with the limitations described above, if the person is affiliated with a criminal street gang, as determined in any of specified ways.

~~Existing law generally makes it a crime for a person not a party to a telegraphic or telephonic communication addressed to another person to willfully disclose that communication without consent of that other person.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 3000.03 of the Penal Code is amended*
2 *to read:*

3 3000.03. Notwithstanding any other provision of law, the
4 Department of Corrections and Rehabilitation shall not return to
5 prison, place a parole hold on pursuant to Section 3056, or report
6 any parole violation to the Board of Parole Hearings regarding any
7 person to whom all of the following criteria apply:

8 (a) The person is not required to register as a sex offender
9 pursuant to Chapter 5.5 (commencing with Section 290) of Title
10 9 of Part 1.

11 (b) The person was not committed to prison for a serious felony
12 as defined in Sections 1192.7 and 1192.8, or a violent felony, as
13 defined in Section 667.5, and does not have a prior conviction for
14 a serious felony, as defined in Section 1192.7 and 1192.8, or a
15 violent felony, as defined in Section 667.5.

16 (c) The person was not committed to prison for a sexually
17 violent offense as defined in subdivision (b) of Section 6600 of
18 the Welfare and Institutions Code and does not have a prior
19 conviction for a sexually violent offense as defined in subdivision
20 (b) of Section 6600 of the Welfare and Institutions Code.

21 (d) The person was not found guilty of a serious disciplinary
22 offense, as defined in regulation by the department, during his or
23 her current term of imprisonment.

24 (e) The person is not a validated prison gang member or
25 associate, as defined in regulation by the department.

26 (f) *The person is not required to register pursuant to Section*
27 *186.30.*

28 (g) *The person has not been identified by the Department of*
29 *Justice as being affiliated with a criminal street gang pursuant to*
30 *the CALGANG program.*

31 (h) *The person has not been identified by a local law*
32 *enforcement agency as being affiliated with a criminal street gang.*

33 ~~(f)~~

34 (i) The person did not refuse to sign any written notification of
35 parole requirements or conditions, including, but not limited to,
36 the written notification of requirements pursuant to Section 3067.

37 ~~(g)~~

1 (j) The person was evaluated by the department using a validated
2 risk assessment tool and was not determined to pose a high risk to
3 reoffend.

4 ~~SECTION 1. Section 637 of the Penal Code is amended to~~
5 ~~read:~~

6 ~~637. Every person not a party to a telegraphic or telephonic~~
7 ~~communication who willfully discloses the contents of a telegraphic~~
8 ~~or telephonic message, or any part thereof, addressed to another~~
9 ~~person, without the permission of that person, unless directed so~~
10 ~~to do by the lawful order of a court, is punishable by imprisonment~~
11 ~~in the state prison, or in the county jail not exceeding one year, or~~
12 ~~by fine not exceeding five thousand dollars (\$5,000), or by both~~
13 ~~fine and imprisonment.~~